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501.38338CX2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: A. FUJIBAYASHI, et al  
Serial No.: 10/674,535  
Filed: October 1, 2003  
For: BROADCAST SYSTEM IN DISK ARRAY CONTROLLER  
Group: 2188  
Examiner: M. Namazi

**SUBMISSION OF TERMINAL DISCLAIMER**

December 22, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

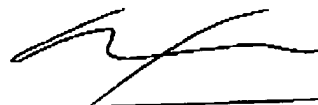
Sir:

Attached is a Terminal Disclaimer submitted in an effort to place this application in condition for allowance.

Accordingly, early allowance of claims 1-11 is respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1417 (Case No. 501.38338CX2) and please credit any excess fees to such Deposit Account.

Respectfully submitted,



Carl I. Brundidge  
Registration No. 29,621  
MATTINGLY, STANGER & MALUR, P.C.

CIB/jdc  
703/684-1120

006 QMB 0651-0031

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT**

**Docket Number (Optional)**

**501.38338CX2**

In re Application of: **A. FUJIBAYASHI, et al**

Application No.: 10/674,535

Filed: October 1, 2003

Filed: **October 1, 1981**  
For: **BROADCAST SYSTEM IN DISK ARRAY CONTROLLER**

For: BROADCAST SYSTEM IN DISK ARRAY CONTROLLER

The owner, HITACHI SOFTWARE ENGINEERING CO., LTD. & HITACHI VIDEO & INFORMATION SYSTEM, INC., (As per the Assignment recorded on Reel 010811 and Frame 0264, of 50/50 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior Patent No. 6,564,294 as the term of said prior patent is defined in 35 USC 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

This agreement runs with any patent granted on the instant application and is binding upon the parties.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

☐ fails to pay a maintenance fee;

id prior patent is presently shortened; or  
 expires for failure to pay a maintenance fee;  
 is found invalid by a court of competent jurisdiction;  
 is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;  
 has all claims canceled by a reexamination certificate;  
 is issued; or  
 is in any manner terminated prior to the expiration of its full statutory term as p

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Reg. No. 29,621

12/22/04

Date \_\_\_\_\_

**Signature**

Carl I. Brundidge

Typed or printed name

703) 684-1120

Telephone number

☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP §324.

[illegible]

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